

of assessment will continue for a 40-year period within which the total amount of construction costs of \$210,726 is to be repaid without interest. The amount of each annual installment chargeable against each of the Districts for the acreage covered by their respective contracts shall be determined by multiplying the total acreage, under each contract entitled to Willow Creek storage rights, either directly or by substitution, by the per acre annual rate.

§ 148.3 *Annual assessments.* Notice is hereby given of an annual assessment of \$2,108.05 to be repaid by the Lower Little Horn and Lodge Grass Irrigation District for the 3,196.8 acres of irrigable land of the District, and an annual assessment of \$1,025.06 to be repaid by the Upper Little Horn Irrigation District for the 1,554.7 acres of irrigable land of the District. Against the amounts due annually by the Districts under this notice, there shall be allowed any credits due under section 6 of the act of June 28, 1946. Credits due on behalf of any land shall be reflected by the respective Districts when placing against such land the annual assessment on the tax rolls.

§ 148.4 *Time of payment.* Annual assessments shall be paid by the Districts to the United States, one-half thereof on or before February 1 and one-half thereof on or before July 1 following, of each year commencing with the calendar year 1952.

§ 148.5 *Penalty.* To all assessments not paid on the due date, there shall be added a penalty of one-half of one percent per month or fraction thereof, from the due date so long as the delinquency continues.

§ 148.6 *Refusal of water delivery.* The right is reserved to the United States to refuse the delivery of water to each of the said Irrigation Districts in the event of default in the payment of assessments, including penalties on account of delinquencies.

SUBPART B—CHARGES ASSESSED AGAINST NON-INDIAN LANDS NOT INCLUDED IN AN IRRIGATION DISTRICT

§ 148.20 *Private contract lands; assessments.* In addition to 4,751.5 acres of non-Indian land included within the two irrigation Districts dealt with in Subpart A, there are 3,237.6 acres of land, more or less, in non-Indian ownership under private ditches, covered by

repayment contracts executed pursuant to the act of June 28, 1946 (60 Stat. 333-338), obligating such owners to pay their proper share of such construction costs. The total per acre charge against all such lands is \$26.38. This amounts to an annual per acre rate of \$0.6595. For the purposes of this notice the annual per acre rate is hereby fixed at \$0.66. This annual rate of assessment will continue for a 40-year period within which the total amount of construction cost of \$210,726 is to be repaid without interest. The amount of each annual installment chargeable against the lands covered by each of the several contracts with individual landowners whose lands are served under private ditches, shall be determined by multiplying the total acreage, under each contract entitled to Willow Creek storage rights, either directly or by substitution, by the per acre annual rate. Against the amounts due annually by the individual landowners whose lands are served by private ditches, under this notice there shall be allowed any credits due under section 6 of the act of June 28, 1946. Credits due on behalf of any land shall be reflected in any statement submitted to the landowners.

§ 148.21 *Time of payment.* The amount of each annual installment, payable under the private landowner contracts, determined as herein provided, shall be paid by the landowners to the United States, on or before November 15 of each year commencing with the calendar year 1951.

§ 148.22 *Penalty.* To all assessments not paid on the due date there shall be added a penalty of one-half of one percent per month or fraction thereof, from the due date so long as the delinquency continues.

§ 148.23 *Refusal of water delivery.* The right is reserved to refuse the delivery of water to any landowner in the event of default in the payment of assessments, including penalties on account of delinquencies.

Part 149 — Reimbursement of Construction Costs, Fort Hall Unit, Fort Hall Indian Irrigation Project, Idaho

Sec.

149.1 Repayment contracts.

149.2 Construction costs.

149.3 Repayment of construction costs.

AUTHORITY: §§ 149.1 to 149.3 issued under sec. 9, 46 Stat. 1063.

SOURCE: §§ 149.1 to 149.3 appear at 20 F. R. 3874, June 3, 1955.

§ 149.1 *Repayment contracts.* A rehabilitation program was established on the Fort Hall Unit of the Fort Hall Project in 1936. Based upon the estimated construction costs, contracts were signed by all non-Indian landowners within the project, including such landowners within the Little Indian Unit, now a part of the Fort Hall Unit. Under the terms of their contracts, the landowners agreed to repay to the Government their pro rata share, on an acreage basis, of all expenditures for construction and other necessary improvements for carrying out the approved program, payments not to exceed \$7.50 per acre, based upon an estimated expenditure of \$450,000.00 for a project then considered as covering approximately 60,000 acres.

§ 149.2 *Construction costs.* The program of rehabilitation has now been completed at a cost of \$419,186.52. This amount, chargeable on an equal per acre basis against 60,000 acres, amounts to a rate of \$6.986 per acre, which rate is hereby determined to be the per acre cost to be repaid to the United States under the 1936 contracts.

§ 149.3 *Repayment of construction costs.* Under the terms of the contracts, the landowners agreed to repay the construction cost in forty (40) equal annual installments. Therefore, the annual per acre installment is hereby fixed at seventeen and one-half cents (17½¢) per acre, due and payable on December 1st of each year, the first payment being due on December 1, 1955. Under section 4 of the repayment contracts of the landowners and the act of March 10, 1928 (45 Stat. 210), the charges remain a lien against the lands until paid.

SUBCHAPTER O—IRRIGATION PROJECTS; LIENS AND SALES

Part 151—Inclusion of Liens in All Patents and Instruments Executed

Sec.

- 151.1 Liens.
- 151.2 Instructions.
- 151.3 Leases to include description of lands.
- 151.4 Prompt payment of irrigation charges by lessees.

AUTHORITY: §§ 151.1 to 151.4 issued under secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385.

SOURCE: §§ 151.1 to 151.4 contained in Circular 2432, April 6, 1928.

§ 151.1 *Liens.* The act of March 7, 1928 (45 Stat. 210; 25 U. S. C. 387) creates a first lien against irrigable lands under all Indian irrigation projects where the construction, operation and maintenance costs of such projects remain unpaid and are reimbursable, and directs that such lien shall be recited in any patent or instrument issued for such lands to cover such unpaid charges. Prior to the enactment of this legislation similar liens had been created by legislative authority against irrigable lands of the projects on the Fort Yuma, Colorado River, and Gila River Reservations, in Arizona;

Blackfeet, Fort Peck, Flathead, Fort Belknap, and Crow Reservations, Mont.; Wapato project, Yakima Reservation, Wash.; the irrigable lands on the Colville Reservation within the West Okanogan irrigation district, Washington, and the Fort Hall Reservation, Idaho. This legislation, therefore, extends protection similar to that existing in the legislation applicable to the projects on the reservations above mentioned.

CROSS REFERENCES: For operation and maintenance charges and construction costs, see Parts 130, 141, 144, and 147 of this chapter.

§ 151.2 *Instructions.* All superintendents and other officers are directed to familiarize themselves with this provision of law, and in all cases involving the issuance of patents or deeds direct to the Indian or purchaser of Indian allotments embracing irrigable lands, they will recite in the papers forwarded to the Department for action the fact that the lands involved are within an irrigation project (giving the name) and accordingly are subject to the provisions of this law. This requirement will be in addition to the existing regulations requiring the superintendents in case of sales of